



United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street - Seventh Floor
Philadelphia, PA 19106-4404

September 17, 2012

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570

e-filed

Re: Dubin Paper Company
Case 04-CA-079713

Dear Executive Secretary Heltzer:

Enclosed please find an original and copy of Counsel for the Acting General Counsel's Motion for Default Judgment (including attachments thereto) in the above-referenced case.

Copies of the above Motion have been served this day on the persons below by first class mail or by e-mail.

Very truly yours,

Henry R. Protas

Henry R. Protas
Counsel for the Acting General Counsel

cc:

Frank Hockman, Dubin Paper Company, 1910 S. Columbus Boulevard, Philadelphia, PA
19148-2820

Jennifer McEntee, Esq. (JCranston@ciardilaw.com)

Michael N. Katz, Esq. (mkatz@meranzekatz.com)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

DUBIN PAPER COMPANY

and

Case 04-CA-079713

WAREHOUSE EMPLOYEES LOCAL
169 a/w INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

MOTION FOR DEFAULT JUDGMENT

Counsel for the Acting General Counsel, pursuant to Sections 102.24 and 102.50 of the Rules and Regulations of the National Labor Relations Board, herein called the Rules and the Board, respectively, hereby moves for Default Judgment and requests the Board to transfer, and continue before the Board, the Complaint issued herein and the proceedings related thereto. In support of the Motion, Counsel for the Acting General Counsel avers as follows:

1. The charge in this matter was filed by Warehouse Employees Local 169 a/w International Brotherhood of Teamsters, herein called the Union, on April 26, 2012. A copy of the charge was served on Respondent Dubin Paper Company on May 1, 2012. The first amended charge in this matter was filed by the Union on June 29, 2012. A copy of the first amended charge was served on Respondent on June 29, 2012. The second amended charge in this matter was filed by the Union on July 23, 2012. A copy of the second amended charge was served on Dubin Paper Company on July 24, 2012. Copies

of the charge, the first amended charge, the second amended charge, and the associated affidavits of service thereof are attached hereto and marked as Exhibits 1, 2, 3, 4, 5, and 6, respectively.

2. On August 23, 2012, the Regional Director for the Fourth Region of the Board issued a Complaint and Notice of Hearing in this matter alleging that Respondent was engaging in conduct in violation of Section 8(a)(5) of the National Labor Relations Act, as amended, herein called the Act. Respondent was directed to file an answer to the Complaint within fourteen (14) days from the service thereof (on or before September 6, 2012) as required by Sections 102.20 and 102.21 of the Rules. The hearing on the Complaint is currently scheduled to begin on November 5, 2012. Copies of the Complaint and Notice of Hearing, the Affidavit of Service thereof, and the Domestic Return Receipt showing receipt of the Complaint are attached hereto and marked as Exhibits 7, 8 and 9, respectively.

3. The time for filing an answer under the Rules expired on September 6, 2012.

4. By letter dated September 10, 2012, Respondent was advised that its Answer to the Complaint was overdue and that a Motion for Default Judgment would be filed if Respondent's Answer was not received by September 17, 2012. A copy of this letter is attached hereto as Exhibit 10.

5. Respondent has failed to file an Answer to the Complaint.

6. It is therefore submitted that Respondent has failed to comply with the Rules concerning the filing of an Answer and, accordingly, the allegations of the

Complaint should be deemed to be found to be true pursuant to Section 102.20 of the Rules.

NOW THEREFORE, the undersigned Counsel for the Acting General Counsel moves that: (1) the Complaint in this proceeding be transferred to and continued before the Board; (2) the Board find the allegations of the Complaint to be true; (3) the Board issue a Decision and Order finding and concluding that Respondent has violated Section 8(a)(5) of the Act as alleged in the Complaint, and requiring Respondent to post an appropriate notice; and (4) the Board grant such other and further relief as may be appropriate.

Signed at Philadelphia, Pennsylvania this 17th day of September, 2012.

/s/ Henry R. Protas

HENRY R. PROTAS

Counsel for the Acting General Counsel
National Labor Relations Board
Fourth Region
(215) 597-7652

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT

WRITE IN THIS SPACE

Case

Date Filed

04-CA-079713

4-26-12

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Dubin Paper Company

b. Tel. No 215-462-7900

c. Cell No.

f. Fax No 215-463-0210

d. Address (Street, city, state, and ZIP code)

1910 S. Columbus Blvd.

Philadelphia, PA 19148

e. Employer Representative

Frank Hockman

g. e-Mail

h. Number of workers employed
11

i. Type of Establishment (factory, mine, wholesaler, etc.)
Warehouse

j. Identify principal product or service
Paper Products

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 and 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See Attached.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Warehouse Employees Union Local 169

4a. Address (Street and number, city, state, and ZIP code)

1363 W. Cheltenham Avenue

Elkins Park, PA 19027

4b. Tel. No (215) 635-1696

4c. Cell No.

4d. Fax No. (215) 635-2441

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative or person making charge)

Michael N. Katz, Esquire

(Print/type name and title or office, if any)

Tel. No. 215-546-4183

Office, if any, Cell No.

Fax No. 215-790-1382

e-Mail

Address 121 S. Broad Street, 13th Fl., Philadelphia, PA 19107

04-26-12
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY

BASIS OF THE CHARGE:

Charging Party is the recognized bargaining representative for respondent's warehouse employees. Respondent has terminated its operations and transferred all bargaining unit work to Dade Paper Company for purposes of discriminating against and interfering with employees in the exercise of Section 7 rights and, further, without engaging in negotiations with the Union concerning the decision to close and transfer bargaining unit work or concerning the effects of the closure and transfer. Respondent has so acted notwithstanding that it has claimed labor costs concessions to continue to operate and notwithstanding charging party's indicated willingness to negotiate concerning the labor costs in order to reduce respondent's operating expenses.

Respondent has also failed and refused to provide charging party with requested information relevant to the closing and transfer of work, the Union's request for negotiations concerning the decision and effects and for purposes of administering the collective bargaining agreement between the parties.

Relief is requested under 10(j) of the Act requiring respondent to restore bargaining unit work to its facility and to reinstate employees pending the outcome of negotiations.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DUBIN PAPER COMPANY

Charged Party

and

WAREHOUSE EMPLOYEES UNION LOCAL 169
A/W INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

Charging Party

Case 04-CA-079713

AFFIDAVIT OF SERVICE OF: CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 1, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

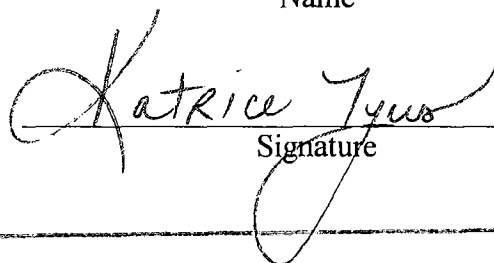
DUBIN PAPER COMPANY
1910 S. COLUMBUS BLVD.
PHILADELPHIA, PA 19148-2820

May 2, 2012

Date

Katrice Tyus, Designated Agent of NLRB

Name


Signature

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

AMENDED

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE

Case

04-CA-079713

Date Filed

6/29/12

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Dubin Paper Company

b. Tel. No. 215-462-7900

c. Cell No.

f. Fax No. 215-463-0210

d. Address (Street, city, state, and ZIP code)

1910 S. Columbus Blvd.
Philadelphia, PA 19148

e. Employer Representative

Frank Hockman

g. e-Mail

h. Number of workers employed
11

i. Type of Establishment (factory, mine, wholesaler, etc.)

Warehouse

j. Identify principal product or service

Paper Products

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See attached.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Warehouse Employees Union Local 169

4a. Address (Street and number, city, state, and ZIP code)

1363 W. Cheltenham Avenue
Elkins Park, PA 19027

4b. Tel. No. (215) 635-1696

4c. Cell No.

4d. Fax No. (215) 635-2441

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative or person making charge)

Michael N. Katz, Esquire

(Print/type name and title or office, if any)

Tel. No.

215-546-4183

Office, if any, Cell No.

Fax No. 215-790-1382

e-Mail

Address 121 S Broad Street, 13th Fl., Philadelphia, PA 19106

06-25-12

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Board (NLRB) in processing unfair labor practice and relate the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further voluntary; however, failure to supply the information will cause the NLRB to decline to inv

EXHIBIT 3

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BASIS OF THE CHARGE:

Charging Party is the recognized bargaining representative for respondent's warehouse employees. Respondent has terminated its operations and laid-off bargaining unit employees. Respondent has so acted notwithstanding that it continues to engage in the sale and shipment of its inventory including, within the 6 month period prior to the filing of this Charge, the use of non-bargaining unit personnel to perform warehouse and shipping work normally performed by bargaining unit employees. Respondent has further so acted without negotiating with the Charging Party concerning the decision to lay-off employees and to have bargaining unit work performed at various times by non-bargaining unit personnel. By so acting, respondent has unilaterally altered terms and conditions of employment under the Collective Bargaining Unit between the parties. Respondent has further failed to bargain in good faith concerning the effects of the termination of its operation and lay-off of employees.

Respondent has also failed and refused to provide Charging Party with information requested in its letter of April 18, 2012 in which relevant information was requested for purposes of bargaining over the decision and the effects of the closure and lay-offs. Finally, respondent has failed and refused to provide information concerning the volume and value of its inventory requested by the Charging Party in its e-mail of June 3, 2012.

Relief is requested under Section 10(j) of the Act requiring respondent to reinstate employees to their former positions for purposes of performing bargaining unit work which is presently on going. The failure to obtain such relief will result in irreparable harm including, but not limited to, the loss of health care coverage for employees and their families.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DUBIN PAPER COMPANY

Charged Party

and

**WAREHOUSE EMPLOYEES UNION LOCAL
169 A/W INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

Charging Party

Case 04-CA-079713

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 29, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

JENNIFER C. MCENTEE, ESQ.
2005 MARKET ST
STE 1930
PHILADELPHIA, PA 19103-7011

DUBIN PAPER COMPANY
1910 S COLUMBUS BLVD
PHILADELPHIA, PA 19148-2820

June 29, 2012

Edward P. Canavan
Designated Agent of NLRB

Date

Name


Signature

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

04-CA-079713

Date Filed

7/23/12

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Dubin Paper Company, Frank Hockman and Frank Dubin, joint and severally

b. Tel. No. 215-462-7900

c. Cell No.

f. Fax No. 215-463-0210

d. Address (Street, city, state, and ZIP code)

1910 S. Columbus Blvd.

Philadelphia, PA 19148

e. Employer Representative

Frank Hockman

g. e-Mail

h. Number of workers employed
11

i. Type of Establishment (factory, mine, wholesaler, etc.)

Warehouse

j. Identify principal product or service

Paper Products

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See attached.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Warehouse Employees Union Local 169

4a. Address (Street and number, city, state, and ZIP code)

1363 W. Cheltenham Avenue
Elkins Park, PA 19027

4b. Tel. No. (215) 635-1696

4c. Cell No.

4d. Fax No. (215) 635-2441

4e. e-Mail

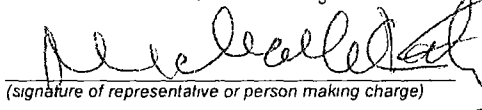
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Michael N. Katz, Esquire

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No. 215-546-4183

Office, if any, Cell No.

Fax No. 215-790-1382

e-Mail

121 S. Broad Street, 13th Fl., Philadelphia, PA 19106

07-23-12

Address

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMP**N 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. 1601 et seq., as amended, and the National Labor Relations Board (NLRB) in processing unfair labor practice charges under the NLRA. The information is being collected for the purpose of processing the charge and is being made available to the public in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will not release the information to anyone other than the NLRB or its employees; however, failure to supply the information will cause the NLRB to decline to process the charge.

EXHIBIT 5
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Basis of the Charge:

Charging Party is the recognized bargaining representative for Respondent's Warehouse Employees. Respondent has violated its obligations under Section (8)(a)(5) of the Act by engaging in the following:

1. Within the six month period prior to the filing of the Charge herein, Respondent laid off bargaining unit employees and utilized non-bargaining unit personnel to perform warehouse and shipping work normally performed by the bargaining unit. Respondent so acted unilaterally and without engaging in bargaining with the Charging Party concerning the decision to lay off employees and to have bargaining unit work performed by non-bargaining unit personnel. Respondent's actions constituted a unilateral change in terms and conditions of employment.
2. Within the six month period prior to the filing of the Charges herein, Respondents have unilaterally altered terms and conditions of employment by failing and refusing to pay required Health and Welfare and Pension Fringe Benefit Contributions. Respondents have so acted unilaterally without engaging in negotiations with the Charging Party.
3. Respondent has failed and refused to provide Charging Party with information requested in its letter of April 18, 2012 in which relevant information was sought for purposes of bargaining over the decision to lay off employees and the effects of such lay offs and the closure of the company's business. Respondents have further failed and refused to provide information relevant to Charging Party's investigation of Dubin Paper's failure to pay required Pension and Health and Welfare Contributions. Respondents have further failed and refused to provide information concerning the volume and value of its inventory requested by the Charging Party in its email of June 3, 2012.

Respondents Frank Dubin and Frank Hockman are the sole shareholders, directors, and officers of the Respondent Corporation and ran the day to day operations including making the determinations of which Respondent's financial obligations to meet. Respondents Dubin and Hockman at all times were responsible for the Company's labor relations policies and adherence to the Collective Bargaining Agreement and were responsible for formulating and implementing labor relations and employment decisions.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**DUBIN PAPER COMPANY, FRANK HOCKMAN
AND FRANK DUBIN, JOINT AND SEVERALLY**

Charged Party

and

**WAREHOUSE EMPLOYEES UNION LOCAL
169 A/W INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

Charging Party

Case 04-CA-079713

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 24, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

FRANK HOCKMAN
DUBIN PAPER COMPANY, FRANK
HOCKMAN AND FRANK DUBIN, JOINT
AND SEVERALLY
1910 S COLUMBUS BLVD
PHILADELPHIA, PA 19148-2820


JENNIFER C. MCENTEE, ESQ.
2005 MARKET ST
STE 1930
PHILADELPHIA, PA 19103-7011

July 24, 2012

Date

Edward P. Canavan
Designated Agent of NLRB

Name


Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

DUBIN PAPER COMPANY

and

Case 04-CA-079713

WAREHOUSE EMPLOYEES LOCAL
169 a/w INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

COMPLAINT AND NOTICE OF HEARING

Warehouse Employees Local 169 a/w International Brotherhood of Teamsters, herein called the Union, has charged that Dubin Paper Company, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 *et seq.*, herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in this proceeding was filed by the Union on April 26, 2012, and a copy was served by first class mail on Respondent on May 1, 2012.

(b) The first amended charge in this proceeding was filed by the Union on June 29, 2012, and a copy was served by first class mail on Respondent on June 29, 2012.

(c) The second amended charge in this proceeding was filed by the Union on July 23, 2012, and a copy was served by first class mail on Respondent on July 24, 2012.

2. (a) At all material times until on or about April 10, 2012, Respondent, a Pennsylvania corporation, was engaged in the sale and distribution of paper products at its plant located at 1910 South Columbia Boulevard, Philadelphia, Pennsylvania.

(b) During the 12-month period ending April 10, 2012, Respondent, in conducting its business operations described above in subparagraph (a), sold and shipped goods valued in excess of \$50,000 directly to points outside the Commonwealth of Pennsylvania.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Frank Hockman	—	Vice President
Frank Dubin	—	Vice President-Secretary

(b) At all material times, Respondent's counsel has been an agent of Respondent within the meaning of Section 2(13) of the Act.

5. (a) The following employees of Respondent, herein called the Unit, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time warehousemen, excluding all other employees, drivers, guards and supervisors as defined in the Act.

(b) At all material times, the Union has been the designated exclusive collective bargaining representative of the Unit and the Union has been recognized as the representative by Respondent. This recognition has been embodied in successive collective bargaining agreements, the most recent of which, herein called the Agreement, being effective by its terms from May 1, 2009 through April 30, 2014.

(c) At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Unit.

6. (a) On or about April 19, 2012, the Union, by letter to Respondent's counsel, a copy of which is attached hereto as Appendix A, requested Respondent to furnish the information set forth in items 1, 2, 3 and 4 of Appendix A to the Union.

(b) On or about June 3, 2012, the Union, by email from Union counsel to Respondent counsel, requested that Respondent furnish to the Union information showing the quantity and value of the Respondent's inventory.

(c) The information requested by the Union, as described above in subparagraphs (a) and (b), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective bargaining representative of the Unit.

(d) Since on or about April 19, 2012, Respondent has failed to furnish the Union with the information requested by it as described above in subparagraph (a).

(e) Since on or about June 3, 2012, Respondent has failed to furnish the Union with the information requested by it as described above in subparagraph (b).

7. By the conduct described above in paragraphs 6(d) and 6(e), Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an Answer to the Complaint. The Answer must be **received by this office on or before September 6, 2012, or postmarked on or before September 5, 2012.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the Answer with this Regional Office.

An Answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an Answer electronically, access the Agency's website at **<http://www.nlr.gov>**, click on the **File Case Documents** tab, and then follow the detailed instructions. The responsibility for the receipt and usability of the Answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than two (2) hours after 12:00 noon (Eastern Time) on the due date for the filing, a failure to timely file the Answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an Answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Sections 102.21. If the Answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of the Answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules require that such Answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the Answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The Answer may **not** be filed by facsimile transmission. If no Answer is filed, or if an Answer is untimely filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that at **11:00 a.m. on November 5, 2012**, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board in a hearing room of the National Labor Relations Board, Region 4, 615 Chestnut Street, 7th Floor, Philadelphia, Pennsylvania. At the hearing, Respondent

and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Signed at Philadelphia, Pennsylvania on this 23rd day of August, 2012.

Dorothy L. Moore-Duncan
DOROTHY L. MOORE-DUNCAN
Regional Director, Fourth Region
National Labor Relations Board

pcv:/H:\R04COM\LITIGATE\COMPTS\8(A)(5)-INFORMATION\CPT.04-CA-079713.DUBIN PAPER COMPANY COMPLAINT AND
NOH.DOC

GENERAL COUNSEL'S EXHIBIT _____

WAREHOUSE EMPLOYEES' UNION, LOCAL 169

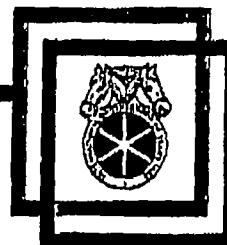
AFFILIATED WITH
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

1363 W. CHELTENHAM AVENUE
ELKINS PARK, PA 19027
(215) 635-1696 FAX (215) 635-2441

BRIAN J. REICE
PRESIDENT
JOSEPH T. QUINN
RECORDING SECRETARY
ROBERT BRUNNER
TRUSTEE

EDWARD J. McDERMOTT
SECRETARY-TREASURER
CHRIS P. CUNNINGHAM
TRUSTEE
GEORGE MCCARRON
TRUSTEE

MICHAEL G. ZACHWIEJA
VICE-PRESIDENT
JOHN E. SANDERS
TRUSTEE
MARIE KELSO
TRUSTEE



April 19th, 2012

Mr. Albert A. Ciardi, Jr., Esq.
CIARDI, CIARDI AND ASTIN
One Commerce Square, Suite 1930
2005 Market Street
Philadelphia, Pa. 19103

RE: Plant Closing

Dear Mr. Ciardi:

It is with great surprise that I have learned that Dubin Paper Company has shut down, ceased operations and locked out all employees contending that it is going out of business. The last communications which I had with the company were to the effect that it desired additional labor concessions in order to secure its continued operation. The company has shut its doors without providing the Union an appropriate opportunity to respond and engage in negotiations.

Accordingly, please be advised that the Union requests negotiations over the decision to close. In addition, and in the event an agreement cannot be reached, we request negotiations of the effects of the closing.

In order to assist the Union in these negotiations, I request the following information:

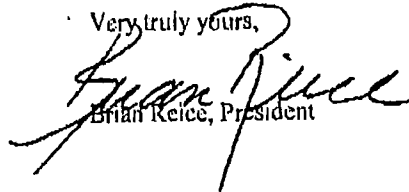
1. Audited financial statements and all exhibits for the last 3 fiscal years;
2. The most recent unaudited financial statement for the current fiscal year to date;
3. Copies of the company's general ledger for the last 3 fiscal years and the current fiscal year to date;
4. Copies of corporate tax returns for the last 3 fiscal years;
5. Copies of individual tax returns for all company stockholders, Officers and Directors for 2009, 2010 and 2011;
6. Proposals for labor cost concessions;
7. A list of all employees laid off during the last 3 years and the dates of their layoff;
8. A list of all employees employed as of the date of the closure with their date of hire; and
9. An accounting of all accrued and unused vacation, holidays and sick days for all employees on the seniority list whether actively employed or layoff status.

APPENDIX A

Mr. Ciardi
April 19, 2012
Page two

Please advise when this information will be made available. Please also advise on dates on which you are available to meet to negotiate. In this regard, the Union can be available on May 9th and May 10th, 2012.

Very truly yours,


Brian Keice, President

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

DUBIN PAPER COMPANY

and

WAREHOUSE EMPLOYEES LOCAL
169 a/w INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

Case 04-CA-079713

Date of Mailing: August 23, 2012

AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document by post-paid certified mail upon the following persons, addressed to them at the following addresses:

Mr. Frank Hockman
Dubin Paper Company
1910 S. Columbus Boulevard
Philadelphia, PA 191048-2820
(C. 7011 2970 0000 0215 0610 RRR)

Jennifer C. McEntee, Esquire
Albert A. Ciardi, III, Esquire
Ciardi, Ciardi & Astin
2005 Market Street, Suite 1930
Philadelphia, PA 19103-7011
(C. 7011 2970 0000 0215 0627 RRR)

Brian Reice, President
Warehouse Employees Local 169 a/w
International Brotherhood of Teamsters
1363 W. Cheltenham Avenue
Elkins Park, PA 19027-3122
(C. 7011 2970 0000 0215 0634)

Michael N. Katz, Esquire
Meranze, Katz, Gaudio & Newlin, PC
North American Building, 13th Floor
121 S. Broad Street
Philadelphia, PA 19107-4533
(C. 7011 2970 0000 0215 0641)

Subscribed and sworn to before me this

23rd day of August, 2012

Designated Agent

/s/ Diane M. Alessandrini

NATIONAL LABOR RELATIONS BOARD

dma:/DAlessan/LitigationFile/SVC.04-CA-079713.Dubin Paper Complaint & NOH

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

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COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>Items 1, 2, and 3. Also complete Restricted Delivery if desired. Write name and address on the reverse so we can return the card to you. Attach to the back of the mailpiece, if space permits.</p> <p>Addressed to: <i>Hochman Paper Co.</i></p> <p><i>CA-79713</i></p> <p><i>10/11</i> <i>RAS</i></p>	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>AUG 27 2012</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>Service label) 7011 2970 0000 0215 0610</p> <p>February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>Items 1, 2, and 3. Also complete Restricted Delivery if desired. Write our name and address on the reverse so we can return the card to you. Attach this card to the back of the mailpiece, if space permits.</p> <p>Addressed to: <i>Ben C. McEntire, Esquire T. C. C. Esquire</i></p> <p><i>Re: CA-79713 Robin Paper</i></p> <p><i>1/11</i> <i>RAS</i></p>	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>9/11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>Number (from service label) 7011 2970 0000 0215 0627</p> <p>311, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street - Seventh Floor
Philadelphia, PA 19106-4404

Telephone: (215) 597-7601
Fax: (215) 597-7658
Email: Region4@NLRB.GOV

September 10, 2012

Frank Hockman
Dubin Paper Company
1910 S. Columbus Boulevard
Philadelphia, PA 19148-2820

Jennifer McEntee, Esq.
Albert A. Ciardi, III, Esq.
Ciardi, Ciardi & Astin
2005 Market Street, Suite 1930
Philadelphia, PA 19103-7011

Re: DUBIN PAPER COMPANY
Case 4-CA-079713

Dear Ms. McEntee and Messrs. Hockman and Ciardi:

This is to advise that Respondent's Answer to the Complaint and Notice of Hearing issued in this matter on August 23, 2012, has not been received. The Answer was due on September 6, 2012. Copies of the Complaint and Notice of Hearing were properly served as is evidenced by the U.S. Postal Service Domestic Return Receipts. If no Answer is filed by September 17, 2012, we intend to file a Motion for Default Judgment with the National Labor Relations Board.

Please call me at your earliest opportunity if you have questions.

Very truly yours,

DANIEL E. HALEVY
Regional Attorney
(215) 597-7615

EXHIBIT 10